

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:10-CV-171-MR-DCK**

**ROBERT K. MYERS, AUDREY V.)
MYERS, PATRICK Q. GAFFNEY, as)
trustee of the Eileen M. Gaffney Trust,)
EILEEN. M. GAFFNEY, as trustee of the)
Eileen M. Gaffney Trust, STEPHEN)
R. ELLING and JARED ELLING,)**

Plaintiffs,

vs.

ORDER

**QUEENS GAP MOUNTAIN, LLC,)
QUEENS GAP HOLDING COMPANY,)
LLC, QUEENS GAP ACQUISITION,)
LLC, COVE CREEK, LLC, DEVIN)
McCARTHY, DEVINSHIRE LAND)
DEVELOPMENT, LLC, D.F.)
McCARTHY INVESTMENTS, XVIII,)
LLC, KEITH A. VINSON, and JANIS)
McCARTHY, individually and as trustee)
for Devin F. McCarthy Revocable Trust,)**

Defendants.

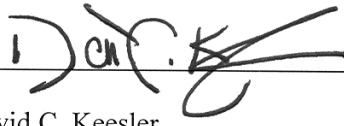
THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion To Allow Discovery” (Document No. 41) filed December 5, 2011. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

On September 14, 2011, the Court entered an “Order” (Document No. 40) granting Defendants’ “Motion To Compel Arbitration And To Stay Proceedings” (Document No. 30). Plaintiffs’ pending motion requests that they be allowed to conduct discovery prior to arbitration.

The undersigned does not find good cause to lift the stay and to allow discovery in this action; rather, any necessary discovery may be conducted as part of the arbitration process.

IT IS, THEREFORE, ORDERED that “Plaintiffs’ Motion To Allow Discovery” (Document No. 41) is **DENIED**.

Signed: December 6, 2011



David C. Keesler
United States Magistrate Judge

